

ANNETTE SMITH

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1 communication issue. Apparently from Mr. Clymer's  
2 perspective, at least from what I read, he was  
3 thinking that you or your husband were going to get  
4 the content of the text messages and you were  
5 thinking he was going to be doing something else.

6 Would that be accurate?

7 A. I don't know that he ever -- we ever told  
8 him that we were going to get the content and that we  
9 would get back to him.

10 Q. But he couldn't get the content because he  
11 didn't have the phone.

12 MR. GROTH: Object to the form of  
13 the question.

14 Q. Is that right?

15 A. Say again.

16 Q. He didn't have the phone?

17 A. No. That's correct.

18 Q. And we've learned later that Verizon  
19 probably didn't even have the content on there, you  
20 would have to get the content by an IT specialist  
21 from the phone?

22 A. I guess.

23 MR. GROTH: Object to the form of  
24 the question.

25 Q. Did Ryan ever tell you that -- let me back

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1 up a second.

2 Did Emily ever tell you that she had  
3 suspicions about a former student, Lauren Fretz,  
4 being involved with Mr. Romig?

5 A. At what point did she --

6 Q. At any point and then --

7 A. I mean, after the fact.

8 Q. After what fact?

9 A. After the situation occurred, she told me  
10 about it.

11 Q. And which -- after it came to light about  
12 Elizabeth Nace or after it came to light about the  
13 inappropriate text messages?

14 A. I don't remember specifically the time  
15 frame. Sorry.

16 Q. But she did tell you that she thought that  
17 Lauren Fretz might have had an inappropriate  
18 relationship with Coach Romig?

19 A. Yes.

20 Q. And did you ever learn that Ryan Clymer  
21 contacted Lauren Fretz?

22 A. No.

23 Q. So no one ever told you that he contacted  
24 her and she said -- she denied that there was  
25 anything ever inappropriate between the two of them?

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1 A. No.

2 Q. Did Emily ever tell that you she thought  
3 there might be something inappropriate with Kristen  
4 Kennedy, a former student, as well?

5 A. I don't remember us talking about her  
6 because I don't know her.

7 Q. Okay. Did Ryan Clymer ever tell you that he  
8 contacted Kristen Kennedy and his testimony is that  
9 she told him that nothing inappropriate ever happened  
10 between the two of them at school while she was a  
11 student?

12 A. No. He never told us.

13 Q. Kristen Kennedy has already been deposed and  
14 she stated that she was never touched inappropriately  
15 by Coach Romig and she stated that she never felt  
16 that she was the victim of sexual abuse by Coach  
17 Romig. But you didn't know any of that information,  
18 right?

19 MR. GROTH: Object to the form of  
20 the question.

21 You can answer.

22 Q. Did you know any of that information?

23 A. No.

24 Q. Were there -- what efforts, that you know  
25 of, were made by either you or your husband to obtain

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1 the actual text messages, the content?

2 A. He had contacted Verizon and he had this  
3 lead from Coach Henry --

4 Q. For an attorney?

5 A. For this attorney that -- I don't know if  
6 she had experience with Verizon or what the situation  
7 was.

8 Q. Did someone call that attorney one time?

9 A. I think he called her a couple times and  
10 just didn't get back. And then I think he followed  
11 up with Coach Henry, too, and he didn't get back.

12 Q. Anything else other than that?

13 A. No.

14 Q. Why not?

15 A. I guess because the situation -- you know,  
16 there was no reporting going to be done.

17 Q. But you could report. I mean, if you wanted  
18 a report to be done, you could report it, right?

19 A. Right. Yes.

20 Q. Why didn't you report it?

21 A. Because we believed that it didn't have to  
22 be reported. We believed that -- we believed what  
23 Ryan said.

24 Q. Did you ever follow up with Ryan to find out  
25 if -- strike that.

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1                   And after this incident occurred, why did  
2   you allow Emily to continue at FCA?

3   A.            Because our options were to pull her out,  
4   home school her. She only had, what, five months  
5   left, maybe. If we pulled her out, there would be no  
6   sports. At that time she really was a very good  
7   basketball player.

8   Q.            But you could have pulled her out after the  
9   end of the basketball season like you did at Calvary,  
10   right?

11   A.           Right. But it was her senior year. We  
12   wanted her to graduate. I wasn't going to do another  
13   transition, you know, for a two month period of time.

14   Q.            But her diploma would be from Faith  
15   Christian Academy, right?

16   A.            If we had pulled her out?

17   Q.            No. If you keep her there.

18   A.            Right.

19   Q.            If you had -- I mean, if you harbored bad  
20   feelings towards the school, she's going to have that  
21   as her diploma, right?

22   A.            That's correct.

23   Q.            Did you ever contact Children and Youth  
24   concerning this incident?

25   A.            No.

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1 Q. And why not?

2 A. Because we didn't -- we were working through  
3 Ryan, you know, with Ryan. That's how we --

4 Q. Did you know that you could independently  
5 report this if you felt that you wanted to?

6 A. I don't know that I knew that at the time,  
7 to be honest. I mean, this wasn't something that we  
8 had dealt with and I don't know the law.

9 Q. But your husband was a former detective,  
10 right?

11 A. Uh-huh.

12 Q. That's a yes?

13 A. That's correct.

14 Q. Did Emily ever tell you that she didn't want  
15 this reported to the police?

16 A. Yeah. She really pretty much wanted  
17 everything to kind of go away. She wanted to play  
18 basketball, she wanted to get on with, you know, her  
19 life.

20 Q. Did she specifically tell you that she  
21 didn't want you to report it or take it further?

22 A. I don't remember the full conversations.  
23 But, you know, she really just wanted it to be done.

24 Q. If she wanted that, was your expectation  
25 that the school would do something beyond what she

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1 wanted?

2 MR. GROTH: Object to the form.

3 You can answer.

4 A. Sorry?

5 Q. I'm just saying, you indicated that Emily  
6 didn't want it to be reported further, but you had  
7 certain expectations that the school would do it  
8 anyway. Is that what you're saying?

9 A. I mean, if it was the appropriate thing and  
10 that had to be done, then Emily, I'm sorry, you know,  
11 this has to be done.

12 Q. But you didn't feel that it was the  
13 appropriate thing to report yourself or for Kevin to  
14 report it?

15 A. I don't know that it was whether it was  
16 appropriate or not. It was just --

17 Q. As a parent -- I'm a parent, too -- and if I  
18 felt that my daughter was being -- did you feel that  
19 your daughter was being sexually abused?

20 A. I felt --

21 MR. GROTH: Object to the form.

22 Q. You can go ahead and answer.

23 A. I'm sorry. Felt like she was being taken  
24 advantage of by a coach.

25 Q. Sexually?

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1 A. Yeah, you could say it was sexually.

2 Q. And I'm just wondering as a parent, if I  
3 felt that way and I didn't feel that something  
4 further was being taken or being accomplished by the  
5 school, you know, I'd probably pull my kid out of the  
6 school and I'd report it myself. And I'm just  
7 wondering why not on your end with that.

8 MR. GROTH: Object to the form.  
9 It's been asked and answered, like, eight times.

10 But go ahead.

11 A. Because we trusted what Ryan said. It's  
12 not -- we don't have to report, you know. That's why  
13 we --

14 Q. He may not --

15 MR. GROTH: Finish your answer.  
16 You're sort of trailing off at the end of a sentence.

17 THE WITNESS: Okay. I'm sorry.

18 A. So that's why we didn't report, was we  
19 trusted what the school -- you know, what his  
20 investigation, if you want to call it that, we  
21 trusted what he -- the information that he gave us.

22 Q. Did you ever ask him what his investigation  
23 revealed?

24 A. No. We didn't have many conversations with  
25 him.

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1 Q. I know, but I'm asking -- I'm not asking  
2 whether he contacted you, I'm asking whether you  
3 contacted him and said, hey, what has your  
4 investigation revealed?

5 A. No.

6 Q. Why not?

7 A. We didn't. No particular reason. You're  
8 dealing with a tough situation. And we didn't --  
9 didn't ask.

10 Q. And just because on the flip side we have  
11 the -- Elizabeth Nace's parents, they didn't go to  
12 Pennridge, they went directly to the Pennridge  
13 Regional Police. And I just wondering why you and  
14 Kevin didn't go directly to the police department and  
15 you've answered that.

16 Emily turned 18 during the investigation  
17 that Ryan was conducting, correct?

18 A. Correct.

19 Q. Her date of birth is 12/29/91?

20 A. Correct.

21 Q. And so when you sent that e-mail that had  
22 the list that Emily had prepared for you, that was  
23 after she turned 18, right?

24 A. I mean, she typed it up before.

25 Q. But it wasn't communicated to Mr. Clymer

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1 until after she turned 18?

2 A. Right. That was the date I sent it.

3 Q. Did you encourage Emily to go to the police  
4 with her concerns?

5 A. No.

6 Q. Even though she was an adult at that time?

7 A. No.

8 Q. In 2009 and 2010, did Emily ever tell you  
9 that she was inappropriately touched by Mr. Romig?

10 A. No.

11 Q. At any time in 2009 or 2010, did you believe  
12 that Emily was the victim of serious bodily injury?

13 A. No.

14 Q. At any time in 2009 or 2010, did you believe  
15 that Mr. Romig was attempting to persuade, induce,  
16 entice or coerce Emily to engage in sexually explicit  
17 conduct?

18 A. 2009, 2010?

19 Q. Yes.

20 A. After it came to light, yes.

21 Q. And what specifically did you believe that  
22 he was doing to try to persuade her, induce her,  
23 entice her, coerce her to engage in sexually explicit  
24 conduct?

25 A. By the way he was texting her.

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1 Q. Which text in particular?

2 A. I want to be in you. Texting a girl at  
3 night. All the things that she kind of detailed out,  
4 yeah, I think he was trying to persuade her.

5 Q. And did you believe that what your daughter  
6 was telling you to be true?

7 A. Yes.

8 Q. Did you ever have any discussion with anyone  
9 that Mr. Romig might try to sue you for defamation or  
10 slander?

11 A. No.

12 Q. Was that ever an issue that you discussed  
13 with anyone?

14 A. Not me personally, no.

15 Q. Did you ever ask your daughter as to why she  
16 deleted all the texts? I know you have an  
17 explanation that you thought it was to save space.  
18 Was that ever told to you specifically by Emily?

19 A. No. I think she was uncomfortable.

20 Q. When your daughter gave her testimony --  
21 deposition testimony, she indicated that she was  
22 unsure whether anybody would believe her, which led  
23 me to ask, well, why not keep some of the texts to  
24 prove the content.

25 Did you ever ask her if -- did she ever

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1 tell that you she was concerned that no one would  
2 believe her?

3 A. I don't remember us talking about that.

4 Q. Do you know how many texts your daughter  
5 sent back to Mr. Romig?

6 A. I don't remember the number.

7 Q. Was it over a thousand?

8 A. Probably close to a thousand.

9 Q. And I read you a portion of Mr. Romig's --  
10 Mr. Clymer's deposition. But it's your recollection  
11 as you sit here today that you never had kind words  
12 for Ryan at Emily's graduation?

13 A. Never.

14 Q. Did you harbor ill feelings toward him at  
15 that time?

16 A. No. I just wanted to be out of the  
17 environment.

18 Q. Since Emily's graduation, who have you  
19 spoken to about the texting issue involving Emily and  
20 Mr. Romig?

21 A. Since her graduation?

22 Q. Since her graduation.

23 A. Nobody really.

24 Q. I think you said you spoke to the police,  
25 right?

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1 A. (Witness shakes head.)  
2 Q. Did you --  
3 A. I'm sorry. I'm sorry. Other than the  
4 situation. We went to the detectives.  
5 Q. Anyone else?  
6 A. No.  
7 Q. Did you speak with Attorney Groth?  
8 A. Yes.  
9 Q. Okay. When did that happen?  
10 A. Earlier in the year, maybe April -- it was  
11 before Emily got married, so I guess it was April.  
12 Q. And he came to your house and spoke to you,  
13 your husband and Emily?  
14 A. That's correct.  
15 Q. What did he ask or tell you?  
16 A. We went over the details of the situation.  
17 Q. Did he tell you who he was representing?  
18 A. I don't remember.  
19 Q. Did he tell you that he had filed a lawsuit  
20 against Faith Christian Academy and Pennridge and  
21 certain individuals?  
22 A. If I recall, yes.  
23 Q. And did you have an understanding what he  
24 was attempting to do with that lawsuit, what the  
25 purpose of the lawsuit was?

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1 A. I don't remember.

2 Q. Did he say it was to get compensation for  
3 Elizabeth Nace, monetary compensation?

4 A. I don't remember. Sorry.

5 Q. When you went to the police detectives, you  
6 went with your daughter. Did Emily state anything  
7 different to the detectives about Mr. Romig and the  
8 incident than what you recall her telling you back at  
9 the time?

10 A. I remember her stating that he had touched  
11 her.

12 Q. To whom?

13 A. To the detectives.

14 Q. And she had never told you that before?

15 A. I don't ever remember her telling me that.  
16 I remember sitting there and being shocked and she  
17 was crying.

18 Q. And what did she say about being touched?  
19 How did she characterize that?

20 A. That he had touched her butt.

21 Q. Like as a smack as a player or --

22 A. No. More --

23 Q. Like, groped her in some way?

24 A. Maybe like that. I don't remember what her  
25 words were. But it wasn't a smack, you know, high

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1 five.

2 Q. Did you follow up with her after the  
3 discussion with the detective?

4 A. No.

5 Q. Why not?

6 A. She was pretty upset.

7 Q. Did you ask her why she never told that to  
8 you?

9 A. No.

10 Q. Did you ask her if she had ever told that to  
11 Mr. Clymer?

12 A. No.

13 Q. And that was not in the list of things that  
14 she communicated to you and that you communicated to  
15 Mr. Clymer?

16 A. No.

17 Q. Did she ever indicate that she had sent --  
18 that Mr. Romig had sent a picture of him wearing  
19 jeans, new jeans? Did you hear that when you spoke  
20 to the detectives?

21 A. Yes.

22 Q. Did she tell you that before?

23 A. I don't remember if she did or not. I think  
24 she may have. I think she did because when she came  
25 home that day, we told her to outline things. The

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1 first thought was, did he send you pictures. So,  
2 yeah.

3 Q. But she didn't indicate there were any  
4 sexually explicit pictures exchanged between the two  
5 of them?

6 A. No. Just this one picture.

7 Q. Do you know whether you shared that  
8 information with Mr. Clymer back in 2009, 2010 of a  
9 picture having been sent to him wearing -- or a  
10 picture had been sent to Emily wearing new jeans?

11 A. No. I don't remember that we discussed that  
12 at all.

13 Q. Did you hear Emily at that communication  
14 with the detective that Emily stated that Mr. Romig  
15 had told her that he'd like it if Emily changed on  
16 the bus like the other girls did because he wanted to  
17 watch? Was that an issue that came up?

18 A. Sorry. Repeat the question.

19 Q. Did you hear Emily say at this meeting with  
20 the detectives that Mr. Romig would like if Emily  
21 changed on the bus like the other girls did because  
22 he wanted to watch?

23 A. No. I don't remember her saying that. I  
24 mean, the changing on the bus had nothing to do with  
25 Faith. That was taking place at another school.

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1 Q. When Mr. Groth met with you, did he tell you  
2 that he felt that there were other girls at Faith  
3 Christian Academy that had been sexually involved  
4 with Mr. Romig?

5 A. I don't remember. I'm sorry.

6 Q. Did he tell that you it was his belief that  
7 Faith Christian Academy was somehow covering  
8 something up --

9 A. No.

10 Q. -- with regard to the dismissal or  
11 resignation of Mr. Romig?

12 A. No.

13 Q. I'm going to show you --

14 MR. RUSSELL: Why don't we mark  
15 this as A. Smith 1.

16 (Whereupon, A. Smith Exhibit 1, Letter dated  
17 4/10/15, was marked for identification.)

18 MR. GROTH: This was already marked  
19 as Kevin Smith Exhibit 1, right?

20 MR. RUSSELL: Yes. That's correct.

21 BY MR. RUSSELL:

22 Q. I'm showing you a letter that's been marked  
23 as A. Smith 1. Do you recognize this document?

24 A. Yes.

25 Q. And this was a letter that you received, you

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1 and your husband?

2 A. Uh-huh.

3 MR. GROTH: Yes?

4 THE WITNESS: Yes. I'm sorry.

5 BY MR. RUSSELL:

6 Q. From Attorney Groth?

7 A. Yes.

8 Q. It's dated April 10th, 2015?

9 A. Yes.

10 Q. You indicated that when you saw in the  
11 paper, that you contacted the police, do you know  
12 whether you spoke to the police before or after you  
13 received this letter from Mr. Groth?

14 A. Oh, it was before.

15 Q. And when you received this letter from Mr.  
16 Groth, what did you do?

17 A. My husband contacted him, I guess.

18 Q. Did you have a discussion with your husband  
19 before he did it?

20 A. I don't remember. I guess we did. I don't  
21 remember what we talked about.

22 Q. Did you have a discussion with Emily before  
23 you decided -- your husband decided to contact Mr.  
24 Groth?

25 A. I don't remember. I think I might have sent

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1 her a copy of the letter, you know, and said that,  
2 you know, we'll be contacting him, just so you're  
3 aware.

4 Q. In the second paragraph of this letter, it  
5 says, to summarize our case, we contend that both  
6 FCA, which is Faith Christian Academy, and Pennridge  
7 knew of Mr. Romig's prior sexual misconduct while he  
8 was employed by FCA, but failed to adequately  
9 investigate and report to state authorities as  
10 required by state law. More specifically, we believe  
11 that Mr. Romig engaged in sexual conduct -- I'm  
12 sorry -- conduct designed to induce, entice,  
13 persuade, encourage or coerce a number of his female  
14 softball players at FCA to participate in an  
15 exploitative sexual relationship.

16 Did he ever discuss that with you, what  
17 his thinking was in that regard?

18 A. Mr. --

19 Q. Mr. Groth.

20 A. I don't remember.

21 Q. Did you ever ask him about that?

22 A. No.

23 MR. RUSSELL: I want to mark this

24 A. Smith 2.

25 (Whereupon, A. Smith Exhibit 2, E-mail dated

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1 12/31/09, was marked for identification.)

2 BY MR. RUSSELL:

3 Q. This is a copy of an e-mail. I think it's  
4 whoever prints it out, it puts that person's name on  
5 the top of the page.

6 MS. CONNOR: That's correct.

7 Q. And this is an e-mail that's dated December  
8 31st, 2009, and it's to Ryan Clymer, from you -- is  
9 that your Merck e-mail address?

10 A. Correct.

11 Q. And you've also cc'd your husband on this?

12 A. That's correct.

13 Q. And it says, Ryan, hope your holidays were  
14 good. I wanted to follow up on the voice mail I sent  
15 you and include the document which I told you we had  
16 Emily write out some of the information she indicated  
17 verbally.

18 Does that refresh your recollection as to  
19 whether you actually spoke to Mr. Clymer before you  
20 sent this e-mail or whether you had just left him a  
21 voice mail?

22 A. I think we just left him a voice mail.

23 Q. Do you know whether he was away on vacation  
24 over this break?

25 A. He had told us that he was going away.

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1 Q. And in the voice mail, does that refresh  
2 your recollection as to what you would have left in  
3 the voice mail?

4 A. I don't remember.

5 Q. And it says this document was written on  
6 Monday, December 22nd, when Emily came home early  
7 from school after having talked to you. Kevin asked  
8 her to sit down and document some of the content of  
9 the text messages and some of the key texts that she  
10 can remember that were fresh in her mind. I had also  
11 referenced Robin Landis in the voice mail that I left  
12 for you.

13 And Robin Landis, she's the assistant  
14 coach?

15 A. That's correct.

16 Q. Did she continue to be the assistant coach  
17 the rest of that season?

18 A. Yes.

19 Q. And then it says, on the bottom of that  
20 paragraph that I just started, says, additionally,  
21 Robin stated that perhaps the coach sent them to  
22 Emily by mistake intending them for his wife, dealing  
23 with the text messages.

24 Did anybody ever tell you that Eric  
25 Romig's wife actually spoke to Ryan and said that

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1 some of those messages were intended for her?

2 A. No.

3 Q. Did you ever learn that at any time?

4 A. No.

5 Q. Did you review your -- any depositions prior  
6 to coming today to your deposition?

7 A. Just Emily and Kevin's.

8 Q. Their transcripts?

9 A. That's correct.

10 Q. But you don't recall anybody making mention  
11 of that?

12 A. I don't remember. Sorry.

13 Q. And the last paragraph there, the full  
14 paragraph, it seems like you were aware that he was  
15 continuing to conduct an investigation. Would that  
16 be accurate?

17 A. Uh-huh.

18 Q. That's yes?

19 A. Yes. I'm sorry.

20 Q. And attached to that is the list, if you go  
21 to the next page. And this I think you referred to  
22 before. It says Emily Mayer's statements at the top.

23 A. Correct.

24 Q. Did Emily type this herself?

25 A. Yes.

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1 Q. Did you review it before it was sent to Mr.  
2 Clymer?

3 A. Yes.

4 Q. Did you edit it in any way?

5 A. No.

6 (Whereupon, A. Smith Exhibit 3, E-mail dated  
7 1/16/10, was marked for identification.)

8 BY MR. RUSSELL:

9 Q. And this again is an e-mail that's dated  
10 January 16th, 2010. And it looks like again it's  
11 coming from you at your Merck e-mail address,  
12 correct?

13 A. Correct.

14 Q. It's to Ryan Clymer with a cc to your  
15 husband, Kevin?

16 A. Correct.

17 Q. It says, follow up on our conversation is  
18 the subject line?

19 A. Correct.

20 Q. And this talks about Mr. Romig being at the  
21 games and sending a mixed message. Is that right?

22 A. That's right.

23 Q. And then you conclude that e-mail with,  
24 Ryan, thank you again for the support you have given  
25 us and Emily. Is that right?

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1 A. Correct.

2 Q. What support do you feel that you were given  
3 by Ryan?

4 A. That he allowed her back on the team and  
5 that, you know, Coach Romig resigned.

6 Q. Do you know Elizabeth Nace?

7 A. No, I do not.

8 Q. Did you ever meet her or her parents, to  
9 your knowledge?

10 A. No.

11 Q. Did you ever tell Emily's biological father  
12 about the texting situation with Eric Romig?

13 A. Yes.

14 Q. And when did you do that?

15 A. Probably the end of December, I would think.

16 Q. And did he say, look, I'm going to report  
17 this to -- was he going to do anything further?

18 A. No.

19 Q. He told you he wasn't or --

20 A. We didn't discuss it. He wasn't involved.

21 Q. Did you ever update him in any way after  
22 this incident?

23 A. Not that I recall.

24 Q. You were asked some questions -- and I think  
25 you may not have discussed the word, but was your



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1 daughter on probation for the after party that  
2 occurred at the end of her junior year in order to  
3 come back to her senior year? Did they call it  
4 probationary period?

5 A. No. Not that I remember.

6 Q. Did you have to sign some sort of form?

7 A. I vaguely remember something about it.

8 Q. And it's your understanding that coming back  
9 for her senior year was conditioned upon having  
10 counseling sessions with Pastor Ron?

11 A. That's correct.

12 Q. And you went to Pastor Ron, at least the  
13 first session?

14 A. No, it wasn't the first. It was towards the  
15 end.

16 Q. Did you have to pay anything for these  
17 counseling sessions?

18 A. I don't remember. I honestly can't  
19 remember.

20 Q. Do you know whether Emily was ever given a  
21 detention for cheating on a test during her junior  
22 year?

23 A. No. She never was that I know of.

24 Q. And you had indicated that the last time  
25 that you know that she lied to you was when she went

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1 to that after party after the junior --

2 A. Yes.

3 Q. -- banquet?

4 A. That's correct.

5 Q. At the time this incident occurred with the  
6 revelation of the inappropriate texting, was it your  
7 understanding that Emily was still on probation or  
8 did you not have that understanding?

9 A. I did not have that understanding.

10 Q. To your knowledge, was Emily ever removed as  
11 co-captain of the basketball team at any time before  
12 this incident came to light?

13 A. No.

14 Q. No, you don't know or, no, it never  
15 happened?

16 A. No, it never happened.

17 Q. Is there anyone else that you think it would  
18 be helpful for us to discuss or contact concerning  
19 Faith Christian Academy's role in investigating Mr.  
20 Romig and the texting situation with Emily? Anybody  
21 else?

22 A. Not that I know of.

23 MR. RUSSELL: I have no further  
24 questions, but some of these attorneys may have.

25 MS. CONNOR: I just have a few

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1 questions.

2 \* \* \*

3 EXAMINATION

4 BY MS. CONNOR: -----

5 Q. Mrs. Smith, did you ever see any of the text  
6 messages that Eric Romig sent to your daughter?

7 A. No.

8 Q. When she came home on either December 21st  
9 or 22nd, you said she came home at around, I think,  
10 11 a.m.?

11 A. Yeah. It was the early part of the day. I  
12 know it was midday.

13 Q. When she got home, did you or your husband  
14 ask to see her phone?

15 A. I don't remember. I don't recall that. My  
16 husband might have. I personally did not.

17 Q. Do you know what happened to her phone that  
18 day? Did she retain control of it?

19 A. No. We kept it. My husband had it.

20 Q. So when did he take possession of the phone?

21 A. I guess when she came home.

22 Q. Okay. And do you know if Eric Romig had  
23 texted her any time after that -- after the time when  
24 your husband took the phone?

25 A. There was one -- one final text message.

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1 Q. And that was on December 22nd?  
2 A. The day that she came home.  
3 Q. And your husband saved that text message,  
4 right?  
5 A. I believe so.  
6 Q. It had something to do with Ewing Oil?  
7 A. Yes.  
8 Q. The records seem to indicate that there was  
9 another text message from Eric Romig that came in the  
10 afternoon around 3:30 of the 21st. Do you remember  
11 seeing that text message?  
12 A. I think that was the Ewing Oil text message.  
13 Q. Actually, the Ewing Oil text message was on  
14 the 22nd. Do you remember seeing any other text  
15 messages?  
16 A. No.  
17 Q. After your daughter came home on the 21st or  
18 22nd.  
19 A. Right. I think my note said she came home  
20 on the 21st.  
21 Q. Right.  
22 A. Which was the day that Kevin took her phone.  
23 Q. Okay.  
24 A. And then that was the last text message that  
25 came in, that I'm aware of.

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1 Q. So you're only aware of one?

2 A. Correct.

3 MS. CONNOR: I don't have any more  
4 questions. Thanks.

5 MR. SALAZAR: I don't have  
6 questions for you at the moment, but I may come back.

7 MS. KERNAN: The same for me.

8 Do you mind if we take a brief recess?

9 MR. GROTH: Sure.

10 (Whereupon, a brief recess was held.)

11 MR. GROTH: Before I begin my  
12 questioning of Mrs. Smith, I want to put a statement  
13 on the record. I noticed that Jonathan Russell was  
14 reading from some documents when he was asking Mrs.  
15 Smith about the issue of Emily Mayer being required  
16 by Faith Christian Academy to undergo some counseling  
17 sessions based upon the party activities that she was  
18 a part of, along with a number of other FCA students,  
19 after the banquet in May or June of 2009.

20 I have not seen those documents, those  
21 documents have not been produced either in initial  
22 disclosure or during the depositions of Emily Mayer  
23 or her father. I asked to see those documents. Mr.  
24 Russell -- he can certainly add to this statement  
25 after I'm finished -- indicated he had some privacy

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1 concerns about issuing school records with regard to  
2 Emily Mayer without her prior consent. Mrs. Smith,  
3 who is Emily's mother, who is present here today  
4 being deposed, has no objection to the release of the  
5 documents. But Mr. Russell asked that Emily Mayer  
6 e-mail him her consent to have those documents  
7 released to all the parties in the litigation.

8 Have I stated that correctly, Mr.  
9 Russell?

10 MR. RUSSELL: That's correct. It's  
11 not that -- it was my understanding that this  
12 document has not been requested of us, so it's not  
13 like I was trying to withhold documentation. I don't  
14 want there to be an inference that we were trying to  
15 hold something back.

16 But I agree with the rest of the  
17 characterization.

18 MR. GROTH: The only other thing I  
19 would say is that if -- again, if these documents  
20 were to be used in trial for any reason by defendant,  
21 Faith Christian Academy, they would have to be listed  
22 on a pre-trial order and exchanged at that point,  
23 probably with or without anybody's consent.

24 MR. RUSSELL: But for impeachment  
25 purposes, you wouldn't have to disclose it. If it's

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1 a document that is going to be used to impeach, it  
2 would not need to be disclosed.

3 MR. GROTH: In any event, we seem  
4 to have reached an agreement that the documents Mr.  
5 Russell has in his possession and that we're  
6 referring to in Mrs. Smith's deposition will be  
7 turned over to all parties upon receipt of the e-mail  
8 from Emily Mayer that she has no objection to the  
9 release. Is that correct?

10 MR. RUSSELL: That's correct.

11 THE WITNESS: Do you want her to  
12 reference what the documents are?

13 MR. GROTH: Can you just describe  
14 the documents that you have.

15 MR. RUSSELL: I have a letter  
16 agreement dated September 10th, 2009, with the  
17 salutation, dear Emily. It begins, attending the  
18 academy --

19 MR. GROTH: I'm sorry. What was  
20 that date again?

21 MR. RUSSELL: September 10th, 2009.  
22 Dear Emily, attending the academy is a privilege and  
23 should be viewed as such. And then it goes through  
24 certain requirements. It's from Ryan Clymer. It's  
25 signed by Annette Smith, dated 9/24/09. It's signed

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1 Emily Mayer, dated 9/17/09. And Ryan Clymer, dated  
2 9/16/09.

3 Then I also have a detention assignment  
4 for cheating on a test, which was December 11th,  
5 2008, which would be her junior year.

6 And then the letter that we just  
7 disclosed that was written to Annette Smith that she  
8 indicated she didn't have a problem with us  
9 releasing.

10 THE WITNESS: And she doesn't have  
11 to reference that letter?

12 MR. RUSSELL: No.

13 MR. GROTH: Let's mark the document  
14 that was produced, the letter from Ryan Clymer to Mr.  
15 and Mrs. Smith date June 11th, 2009, as A. Smith  
16 Exhibit 4.

17 (Whereupon, A. Smith Exhibit 4, Letter dated  
18 6/11/09, was marked for identification.)

19 \* \* \*

20 EXAMINATION

21 BY MR. GROTH:

22 Q. Mrs. Smith, you've had an opportunity to  
23 review Exhibit 4, correct?

24 A. Yes.

25 Q. It mentions there that there will be a \$20

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1 fee charged per session. Does that refresh your  
2 recollection as to whether or not --

3 A. It --

4 Q. Let me finish the question, please. Does  
5 that refresh your recollection as to whether or not  
6 you did have to make some type of payment to the  
7 school to compensate the school for these counseling  
8 sessions or counseling appointments?

9 A. Yes.

10 Q. Do you recall the amount, \$20 per session?

11 A. I mean, that's what's written here, so I  
12 guess that's what it was. I don't recall.

13 Q. Your daughter Emily in her deposition, I  
14 think, testified that the amount was \$100 per  
15 session. Does that change your recollection -- your  
16 own independent recollection at all or refresh your  
17 recollection at all?

18 A. No.

19 Q. This also says, if your child is readmitted,  
20 a probationary period would follow. Do you recall  
21 ever getting a subsequent letter or any information  
22 from Mr. Clymer that there was still a probationary  
23 period after Emily finished the five counseling  
24 sessions?

25 A. Not that I recall.

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1 Q. Do you know if she finished those five  
2 counseling sessions before the new school year began  
3 the following September?

4 A. I thought she did.

5 Q. Again, while we're on that topic, do you  
6 know whether or not any other Faith Christian  
7 students were sent the same type of letter that you  
8 and your husband received about that party incident  
9 involving a number of Faith Christian students?

10 A. Yes.

11 Q. Do you know who those people are, who those  
12 students are?

13 A. Maybe a Ryan Clymer -- not Ryan Clymer.  
14 There's a couple Ryans. Ryan Sheffer. I don't know  
15 if -- I think Ryan Fertch had to.

16 Q. Do you know how to spell his last name?

17 A. F-E-R-T-C-H. And there was a girl Devon --  
18 I don't remember her last name. And then the girl  
19 that the party's house -- I don't remember her name.

20 Q. Does the name Brittany Kulp ring a bell?

21 A. Thank you. Yes.

22 Q. Do you know if any of those students --  
23 strike that.

24 Were there any other students whose names  
25 you can remember who attended that party?

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1 A. Not that I remember.

2 Q. Do you know if any of those students who you  
3 do know about who were at the party left FCA as a  
4 result of that party or -- I shouldn't say that, not  
5 a result, but following that party?

6 A. Brittany did not return.

7 Q. Do you know why she did not return?

8 A. I do not know.

9 Q. Do you know whether or not any of the other  
10 people whose names you did mention actually  
11 participated or were requested to participate in  
12 counseling sessions with the pastor as a result of  
13 their attendance at that party?

14 A. It was my understanding they all got this  
15 (indicating).

16 Q. This letter, you're referring to Exhibit 4?

17 A. Correct.

18 Q. Did you speak to any of them at all?

19 A. No.

20 Q. Did you speak to any of their parents at all  
21 about this issue?

22 A. No.

23 Q. Sitting here today, do you believe that  
24 Emily still has not told you complete details about  
25 the type of sexually inappropriate text messages she

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ANNETTE SMITH

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1 received from Eric Romig between October and November  
2 and December 21st, 2009?

3 MR. KEMETHER: Objection to form.

4 You can answer.

5 A. I don't believe she's told us the detail.

6 Q. Have you tried to question her, you or your  
7 husband, tried to question her to get more details  
8 out of her about that situation?

9 A. No.

10 Q. Does she -- strike that.

11 Have you observed her to be emotional  
12 about recalling or discussing that issue of the  
13 texting from Eric Romig back in 2009, whenever that  
14 topic comes up?

15 A. Yes. On a number of occasions.

16 Q. Does she get emotional to the point of tears  
17 in talking about it?

18 A. Yes.

19 Q. In the exhibit marked Annette Smith No. 2,  
20 the attachment to that is the statement that Emily  
21 typed up on December 21st at the request of your  
22 husband to give her recollection of the type of  
23 sexually inappropriate texts that she had received  
24 from Eric Romig. Is that correct?

25 A. That's correct.

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1 MR. RUSSELL: Objection to form.

2 Q. I think you were asked by Mr. Russell  
3 whether or not you had any knowledge that -- or facts  
4 to indicate that Eric Romig had some prior  
5 inappropriate sexual relationship with Lauren Fretz.  
6 Do you remember being asked that question?

7 A. I do.

8 Q. And your answer was what?

9 A. Not at the time I did not. I wasn't aware  
10 of it.

11 Q. At the time, meaning at the time this  
12 investigation was going on into the texting issue  
13 between Eric Romig and Emily, correct?

14 A. Correct.

15 Q. But in the first line of Emily Mayer's  
16 statement, it reads and I quote, beginning of  
17 November, he, meaning Eric Romig, started telling me  
18 how he and Lauren, referring to Lauren Fretz, did  
19 sexual things and was hinting at me to be this way.

20 Now, did you see that on December 21st,  
21 2009, when Emily wrote it?

22 A. Yes.

23 Q. Okay. And down below, there's another entry  
24 by Emily on her statement that says, quote, he would  
25 forward text messages he said were between he and

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1 Lauren Fretz and ask if I was jealous, unquote.

2 Do you recall reading that, as well?

3 A. I do.

4 Q. So does that refresh your recollection as to  
5 whether or not back in December of 2009 you had some  
6 information from Emily that there may have been or  
7 actually was an inappropriate sexual relationship  
8 between Lauren Fretz and Eric Romig?

9 A. Yes.

10 Q. Did you have any discussion with Ryan Clymer  
11 about those two entries involving Lauren Fretz after  
12 you turned this document in to him with your e-mail  
13 of December 31st, 2009?

14 A. Not that I recall.

15 Q. Okay. And Mr. Clymer didn't tell you that  
16 he had attempted to contact or did contact Lauren  
17 Fretz and asked her if there was anything  
18 inappropriate going on between her and Mr. Romig and  
19 that she denied anything inappropriate going on? He  
20 didn't tell you that, did he?

21 A. Not that I recall.

22 Q. In fact, he never told you any details of  
23 any part of the investigation that he did, correct?

24 A. Correct.

25 Q. Including the fact that after speaking to

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1 your daughter Emily on the 21st, when Mrs. Alderfer  
2 took her in to see him, he never spoke to her again  
3 about the accusations or allegations, did he?

4 A. Not that I'm aware.

5 Q. He never asked her to come in to  
6 re-interview her?

7 A. No.

8 Q. He never asked her to send him any  
9 information?

10 A. No.

11 Q. He never asked for her phone?

12 A. No.

13 Q. Did Emily tell you how long her initial  
14 meeting with Miss Alderfer and Mr. Clymer was,  
15 approximately how long, how many minutes it lasted?

16 A. Maybe ten minutes. It was short.

17 Q. She said it was a short meeting?

18 A. Correct.

19 Q. And back in 2009 on December 31st -- I'm  
20 sorry, December 21st, did she tell you that he asked  
21 her very few questions at all during the meeting?

22 A. Back then did she tell us that?

23 Q. Yes. Did she tell you that?

24 A. I can't remember.

25 Q. You recall reading her deposition

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1 transcript?

2 A. Yes.

3 Q. Do you recall her in the deposition

4 transcript testifying that he asked her very few

5 questions about anything during that meeting?

6 A. Yes.

7 Q. And that the meeting was very short?

8 A. Yes.

9 Q. You've been asked a number of questions as  
10 to whether or not you or your husband -- strike that.

11 Back in 2009, did you know what had to  
12 take place, technically, in connection with an  
13 electronic device in order to retrieve or attempt to  
14 retrieve deleted messages, text messages off a cell  
15 phone to get the content of them? Did you personally  
16 know how to do that?

17 A. No.

18 Q. Do you know if your husband knew how to do  
19 that back then?

20 A. I don't know.

21 Q. Your husband went to Verizon and got a log  
22 that showed approximately 3150 texts from Eric Romig  
23 to your daughter in about a three month period. Do  
24 you know whether he asked anybody at Verizon whether  
25 or not Verizon could supply the content of the texts?

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1 A. Yes.

2 Q. And did you have a conversation with your  
3 husband about that?

4 A. That I remember.

5 Q. And what did he say?

6 A. We did try to get that information from  
7 Verizon and they said that we needed a subpoena.

8 Q. Was it your impression back in 2009 that  
9 Verizon actually has the content of text messages?

10 A. Say that again. I'm sorry.

11 Q. Yes. Was it your understanding or  
12 impression back in 2009 that if subpoenaed, Verizon  
13 could actually turn over the content of the text  
14 messages?

15 A. Yes.

16 Q. Sitting here today, do you know if that  
17 belief back in 2009 is actually true?

18 A. I don't know.

19 Q. Even to this day, you don't know exactly how  
20 the text messages could be retrieved?

21 A. No.

22 Q. You were asked a number of questions about  
23 whether or not after Mr. Smith got your daughter's  
24 phone and saw that there were all -- these text  
25 messages were all deleted except for the one that you

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1 testified to about Ewing Oil, you know, did you ever  
2 take that to anybody to try to retrieve or was  
3 anything done to try to retrieve the text messages  
4 off the phone? -----

5 A. No.

6 Q. Okay. You understood at that time that Eric  
7 Romig was an employee during this investigation --  
8 was still an employee of Faith Christian Academy,  
9 correct?

10 A. Correct.

11 Q. Did Ryan Clymer ever tell you that Faith  
12 Christian Academy ordered or requested Ryan Clymer to  
13 turn his phone over to Faith Christian Academy so  
14 that they could try to get the text messages content  
15 off of the phone, off of his phone?

16 A. No.

17 Q. Did you ever suggest that to Faith Christian  
18 Academy?

19 A. No.

20 Q. Did you ever suggest anything to Mr. Clymer  
21 about how he should be going about conducting his  
22 investigation?

23 A. No.

24 Q. Did Mr. Clymer ever tell you that he had, in  
25 fact, ordered or requested that Mr. Romig turn over

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1 his phone to the school, to the school's attorney or  
2 to somebody so that they could lift the -- attempt to  
3 lift the text messages that Emily was referring to  
4 off Mr. Romig's phone?

5 A. No.

6 Q. You said that Mr. Romig -- I'm sorry.  
7 Strike that.

8 You said that Mr. Clymer told you during  
9 your second telephone conversation -- and while we're  
10 on that point, you had an initial conversation with  
11 him that was just very brief, correct?

12 A. Correct.

13 Q. There was basically no information going  
14 back and forth?

15 A. Correct.

16 Q. The second information -- the second  
17 telephone conversation is when he told you about he  
18 completed his investigation, Eric Romig was going to  
19 resign and Emily could come back to school and play  
20 on the basketball team?

21 A. That's correct.

22 Q. Was there anything more to that conversation  
23 other than that?

24 A. Not that I remember. Very short.

25 Q. Did he tell you during that conversation

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1 that -- strike that.

2 Do you recall when that conversation was?

3 A. It had to have been before Emily went back  
4 to school.

5 Q. So I think you may have testified before,  
6 was the end of December, probably before January 1st,  
7 because she would have gone back to school right  
8 after the new year?

9 A. Correct. After the Christmas holiday.

10 Q. Do you know if it was after you sent him  
11 Annette Smith Exhibit 2, which contained Emily's  
12 statement about the inappropriate sexual texts that  
13 he was sending to her? Was it after that?

14 A. I would say it was after that.

15 Q. Okay. Well, that's the last day of the year  
16 before New Year's, so do you believe it was that same  
17 day that he told you that?

18 A. I don't recall. I don't recall.

19 Q. Could it have been after the new year, after  
20 New Year's day, the telephone conversation?

21 A. I guess it could have been.

22 Q. Okay. Because up until you transmitted this  
23 information to him on Exhibit 4 -- on Exhibit 2,  
24 rather, on December 31st, 2009, including Emily's  
25 statement, he didn't have this information, to your

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1 knowledge, correct?

2 A. That's correct.

3 Q. Because he didn't ask Emily specifically --  
4 strike that.

5 Did Mr. Clymer tell you in that  
6 conversation that he had asked for Mr. Romig's  
7 resignation and that if he didn't get it, he was  
8 going to terminate Mr. Romig?

9 A. I'm sorry. Say that again.

10 Q. Yes. When you had the second conversation  
11 with Mr. Clymer, the one where he told you about how  
12 this was going to be resolved, did he tell you that  
13 he was asking for Mr. Romig's resignation, and if he  
14 didn't get it, he was going to be terminated?

15 A. Correct.

16 Q. Okay. Did you have any further discussions  
17 with Mr. Clymer about the whole texting situation  
18 with Eric Romig after that conversation?

19 A. No.

20 Q. Even in passing at school, in the hallway or  
21 at a sporting event or any place you may have seen  
22 him on the premises, no further conversations at all?

23 A. No.

24 Q. I think you indicated that it would have  
25 been your preference after hearing about this texting

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1 situation from Coach Romig to your daughter on  
2 December 21st, to march down to the school and meet  
3 with the principal and find out what was going to be  
4 done about it?

5 A. Correct.

6 Q. Did you ever request a face-to-face meeting  
7 with Mr. Clymer?

8 A. I believe we did.

9 Q. Did you get one?

10 A. No.

11 Q. Did he ever offer to come to you or ask you  
12 to come to him so that you could have a face to face,  
13 in the same room conversation about everything that  
14 had gone on?

15 A. No.

16 Q. You indicated that Emily finished the school  
17 year out at Faith Christian after the basketball  
18 season then. Is that correct?

19 A. That's correct.

20 Q. Did she ever play any other sports at Faith  
21 Christian Academy?

22 A. She played soccer the first year.

23 Q. And soccer was a spring sport?

24 A. That's correct.

25 Q. So that would have started after basketball

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1 season?

2 A. Correct.

3 Q. Were a number of her teammates from the  
4 basketball team also on the soccer team?

5 A. I believe so.

6 Q. Did Emily play soccer after the Romig  
7 situation occurred?

8 A. No.

9 Q. Why didn't she play soccer?

10 A. I don't remember the reason. It wasn't  
11 because of the Romig situation. It was just -- I  
12 don't --

13 Q. Did Emily ever tell you that one of the  
14 reasons or the reason why she wasn't going to play  
15 soccer that spring was because some of the teammates  
16 on the soccer team are the same girls on the  
17 basketball team who were not acting the same way with  
18 her that they had acted before the Eric Romig  
19 situation became known?

20 A. We didn't discuss it. Sorry.

21 Q. In the conversation where Mr. Clymer -- and  
22 again, it had to be the second conversation because  
23 he didn't tell you anything in the first  
24 conversation, right?

25 A. Correct.

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1 Q. So the only other conversation you had with  
2 Ryan Clymer about his investigation, which was the  
3 second conversation, did he tell you that he had  
4 spoken to an attorney about whether or not he was  
5 required by law or otherwise to report these  
6 allegations made by your daughter against Faith  
7 Christian Academy employee Eric Romig?

8 A. I don't recall who he said he spoke to.

9 Q. You had mentioned in your prior testimony,  
10 it could have been a policeman or somebody in Bucks  
11 County, but you didn't recall who?

12 A. I don't.

13 Q. And you don't recall him ever saying, I  
14 actually went to an attorney and talked to an  
15 attorney about this issue?

16 A. No.

17 Q. With regard to the after party from the  
18 banquet in end of the 2009 school year in the spring  
19 of 2009, when you got this letter from Ryan Clymer  
20 that we've marked Annette Smith Exhibit 4, did you  
21 have a telephone conversation with him, as well?

22 A. I believe we did.

23 Q. At any time in any form, whether by  
24 telephone communication or letter or any other type  
25 of communication, did Ryan Clymer ever tell you or

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1 suggest to you that aside from drinking that was  
2 going on at this party -- I assume that means  
3 alcohol, correct?

4 A. Correct.

5 Q. Drinking going on at this party, there were  
6 also some type of sexual acts that were performed or  
7 engaged in by participants at this party? Did he  
8 ever tell you that?

9 A. Not that I remember.

10 Q. Did anybody else at the school ever tell you  
11 that?

12 A. Not that I recall.

13 Q. Did you ever hear any rumors or any  
14 suspicions from anybody at the school about whether  
15 or not there was any sexual activity going on at the  
16 party? By that I mean, students, parents, faculty,  
17 coaches, administration, anybody at all?

18 A. Not that I recall.

19 Q. Did Emily ever say to you that there was any  
20 sexual activity that went on at that party between  
21 anybody, her or anybody else?

22 A. No. Not that I recall.

23 Q. When you went to one of the counseling  
24 sessions with Emily and Pastor Jones, Ron Jones, did  
25 he indicate that he had been having these same types

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1 of sessions with the students who were at that party?

2 A. Not that I recall.

3 Q. Do you know whether or not Eric Romig was  
4 permitted by Faith Christian Academy to coach a  
5 practice or a game after Ryan Clymer became aware of  
6 the allegations that Emily Mayer made regarding his  
7 inappropriate sexual testing?

8 MR. KEMETHER: Objection to form.

9 You may answer.

10 A. I'm sorry. Can you repeat?

11 Q. Do you know whether or not on December 21st,  
12 when Emily -- when he first found out about the  
13 allegations Emily was making about the inappropriate  
14 sexual texting by Eric Romig, did Eric Romig coach a  
15 practice or a game at Faith Christian Academy?

16 MR. KEMETHER: Objection to form.

17 You can answer.

18 A. I don't know.

19 Q. Did Emily tell you at any point during that  
20 time frame or after that time frame that she was  
21 aware that even after Ryan Clymer was made aware of  
22 the texting by her on December 21st, he allowed Ryan  
23 Clymer to continue to coach practices and games?

24 A. I'm sorry. Say that again.

25 Q. Did Emily ever tell you that she found out

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1 or knew that Eric Romig was allowed to coach a  
2 practice or a game after she told Ryan Clymer about  
3 the allegations of his texting?

4 A. I don't recall.

5 MR. GROTH: I don't have a copy of  
6 it, but can we mark this as A. Smith 5.

7 (Whereupon, A. Smith Exhibit 5, Basketball  
8 Schedule, was marked for identification.)

9 MR. GROTH: Just for the record,  
10 this is an internet printout from Faith Christian  
11 Academy's website of the basketball schedule in 2009  
12 and 2010.

13 BY MR. GROTH:

14 Q. And it shows on there that on December 22nd,  
15 2009, there was a basketball game at Morrisville. Is  
16 that what the schedule indicates?

17 A. Yes.

18 Q. Am I reading that correctly?

19 A. Yes.

20 Q. And it shows it was 63-31 loss by Faith  
21 Christian Academy. Is it correct that Emily was not  
22 allowed to participate in that game?

23 A. That's correct.

24 Q. All right. And do you know whether or not  
25 Eric Romig coached that game?

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- 1 A. I do not know.
- 2 Q. You went to Emily's graduation?
- 3 A. Yes.
- 4 Q. Did you see Ryan Clymer there?
- 5 A. Yes.
- 6 Q. Is there any reason why you wanted to speak
- 7 to Ryan Clymer at that point at graduation?
- 8 A. No.
- 9 Q. What were your feelings about him as Emily
- 10 was graduating and leaving Faith Christian?
- 11 A. I was ready to be done with -- with the
- 12 school. I had no particular feelings towards Ryan.
- 13 You know, I was ready to move on.
- 14 Q. And you were asked if you had a conversation
- 15 with him where you thanked him for the way that he
- 16 handled the investigation of your daughter's
- 17 accusations. Do you remember that?
- 18 A. Yes.
- 19 Q. And your answer is?
- 20 A. I never spoke to him about that.
- 21 Q. Is there a doubt in your mind about that?
- 22 A. No.
- 23 Q. Could you be wrong in your recollection?
- 24 A. No.
- 25 Q. Because Mr. Clymer said that you did, that

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1     there was a conversation with you and him where you  
2     went up to him and thanked him for how he handled  
3     Emily's situation with Mr. Romig.

4     A.         No.

5     Q.         Do you know Robin Landis?

6     A.         Yes.

7     Q.         And how did you become familiar or  
8     acquainted with her?

9     A.         She was Emily's assistant coach.

10    Q.         Was Emily friendly with her? Did she like  
11    Robin Landis?

12    A.         Yes.

13    Q.         Did Robin Landis go to your daughter's  
14    wedding?

15    A.         Yes.

16    Q.         Were other former coaches or faculty at  
17    Faith Christian invited to her wedding?

18    A.         Yes.

19    Q.         Who were they?

20    A.         Mrs. Tatarro.

21    Q.         Anybody else?

22    A.         That was it.

23    Q.         Was Mrs. Tatarro Emily's homeroom teacher?

24    A.         Yes.

25    Q.         Did you ever -- strike that.

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1                   Were you ever told by anybody that Robin  
2 Landis told your daughter Emily that she was sorry  
3 about what happened between Eric Romig and her and  
4 that she believed Emily's allegations?

5     A.           Yes.

6     Q.           Who told you that?

7     A.           Emily.

8     Q.           When did Emily tell you that?

9     A.           It was after the fact.

10    Q.           You mean after the investigation was over?

11    A.           Yes.

12    Q.           Eric Romig had resigned?

13    A.           Yes.

14    Q.           Do you know how long after? Was it the same  
15 year, was it some time after that?

16    A.           I cannot remember if she was still in school  
17 at the time or if it was the summer after that. I  
18 don't remember.

19    Q.           When Emily told you that, regardless of when  
20 it was after the investigation of Eric Romig had been  
21 concluded and he had resigned, whenever she told you  
22 that, did you think back to the e-mail that you wrote  
23 to Ryan Clymer on December 31st, 2009, that's marked  
24 Annette Smith Exhibit 2, where you were somewhat  
25 critical of Robin Landis and what information you

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1 were receiving about how she was interviewing other  
2 players on the basketball team about whether or not  
3 they believed these allegations against Eric Romig?

4 A. Yes.

5 Q. In that e-mail marked Smith Exhibit 2, you  
6 wrote, quote, I also had referenced Robin Landis in  
7 the voice mail I left for you. Ashley Makowski had  
8 relayed to Emily on Wednesday, the 30th of 2009 --  
9 December 2009, that Robin had been talking to the  
10 girls and questioning whether they believed Emily.  
11 If they stated that they did, she then challenged  
12 them as to why they believed her and that Emily  
13 doesn't know the character of the coach. And then it  
14 says, additionally, Robin stated that perhaps the  
15 coach sent them, referring to the e-mails --  
16 referring to the text -- to Emily by mistake and  
17 intended them for his wife.

18 When Emily finally told you that she had  
19 this conversation with Robin Landis where Robin  
20 Landis said I'm sorry this happened to you and I  
21 believe you, did Emily tell you that she had any  
22 further discussion with Robin Landis as to why she  
23 made that statement to Emily?

24 A. No.

25 Q. When Emily gave you the information, told

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1 you about the conversation with Robin Landis where  
2 Robin Landis said she was sorry and that she believed  
3 Emily in terms of her allegations against the coach,  
4 did you do anything to follow up on that with Robin  
5 Landis yourself?

6 A. No.

7 Q. Did you discuss it at all with Robin Landis  
8 at the wedding?

9 A. No.

10 Q. Do you know an individual named Nicole  
11 Gross?

12 A. Yes.

13 Q. How do you know her?

14 A. She was a teacher at Faith Christian.

15 Q. Was she a teacher of Emily's?

16 A. No.

17 Q. At any point during the -- or immediately  
18 following the investigation of Eric Romig's  
19 activities regarding texting your daughter, did you  
20 have any conversations with Nicole Gross about the  
21 situation with your daughter or any other situation  
22 involving Eric Romig?

23 A. Yes. I recall having a phone call.

24 Q. Tell me when that happened, first of all,  
25 approximately. If you can approximate.

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1 A. You mean the timing of it?

2 Q. Yes.

3 A. It was probably during the basketball season  
4 because I know I was waiting for Emily. And I had a  
5 telephone, you know, conversation with her about it.

6 Q. Did she call you or did you call her?

7 A. I called her.

8 Q. And had you had any other telephone  
9 conversations with her before that conversation for  
10 any reason?

11 A. We may have for school purposes. I think  
12 she had a son maybe that was in Emily's grade and  
13 there might have been, like, this thing we were  
14 planning. I vaguely remember something of that.

15 Q. So you had previously spoken to her?

16 A. Yes.

17 Q. You knew her, she knew you?

18 A. Yes.

19 Q. Okay. Not --

20 A. Not well.

21 Q. Not well because Emily was -- she was not  
22 Emily's teacher at any time, correct?

23 A. Correct.

24 Q. And did she make any statements to you about  
25 things that she became aware of regarding Eric Romig,

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1 not having to do with your own daughter?

2 A. Yes.

3 Q. What did she say to you?

4 A. That, you know, there were suspicions and  
5 that people in the school suspected his activities  
6 with another player.

7 Q. Did she say who the player was?

8 A. Lauren Fretz.

9 Q. Did she give you any information at all  
10 about where she heard that information, who she heard  
11 it from or whether she observed it herself, any other  
12 details about it at all?

13 A. No.

14 Q. Did she -- do you know where she was going  
15 to church at that time?

16 A. I do not.

17 Q. She testified in her deposition, I believe,  
18 that at that time she was going to Calvary Baptist  
19 Church and not Faith Baptist Church. Did she mention  
20 anything about Calvary Baptist Church when she told  
21 you that she had heard things about -- suspicions  
22 about a relationship between Lauren Fretz and Eric  
23 Romig?

24 A. I remember her saying that people at Calvary  
25 suspected -- you know, suspected that that was going

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1 on.

2 Q. Did she give any more details about why or  
3 how she heard that from people at Calvary?

4 A. No.

5 Q. Or as to how people at Calvary may have  
6 heard anything about Eric Romig and his involvement  
7 with female students that he was coaching at Faith  
8 Christian?

9 A. Not that I recall.

10 Q. Was the discussion that you had with her  
11 involving any other topics other than this  
12 information that she was giving you about Eric Romig  
13 and these things that she had heard about him and  
14 Lauren Fretz?

15 A. No.

16 Q. Do you know Tracy Fretz?

17 A. No, I do not.

18 Q. To make sure I understand this correctly,  
19 your daughter, Emily, did not voluntarily walk into  
20 the principal's office one day and say, I want to  
21 report some bad activity by my basketball coach. Is  
22 that correct?

23 A. Correct.

24 Q. She was forced to go there by somebody?

25 MS. CONNOR: Objection to form.

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1 MR. KEMETHER: Objection to form.

2 Q. Correct.

3 A. She was taken by Mrs. Alderfer.

4 Q. You described how Mrs. Alderfer found out  
5 about it through her daughter somehow, either  
6 overhearing or directly telling her about it or  
7 whatever.

8 In any event, did Emily tell you that it  
9 was Mrs. Alderfer that came to her on a school day  
10 and said, something to the effect of, is there  
11 something going on between you and Coach Romig and  
12 she said, yes. And Mrs. Alderfer immediately said we  
13 have to go talk to the principle.

14 MS. CONNOR: Objection to form.

15 MR. KEMETHER: Objection to form.

16 Q. Is that your recollection of how Emily  
17 explained it to you when she got home on December  
18 21st?

19 A. Yes.

20 Q. Up until that point, did you have any reason  
21 to believe that your daughter harbored any type of  
22 ill will or animosity toward Coach Romig?

23 A. No.

24 Q. Had she ever made any statements to you to  
25 the effect of, you know, I don't like him, he's a bad

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1 coach, he doesn't treat me right, I have some axe to  
2 grind with him, anything of that nature at all where  
3 she might make a false allegation about him in order  
4 to get revenge or to get some kind of -- to get Eric  
5 Romig in some kind of trouble in the school?

6 MR. KEMETHER: Objection to form.

7 You can answer.

8 A. No. I think that she thought he was a good  
9 coach, he pushed their skills. He took an interest  
10 in developing her.

11 Q. Did you believe -- I'm talking about your  
12 subjective opinion -- did you believe at the time  
13 that your daughter Emily was the best, if not one of  
14 the best, players on the team?

15 A. Yes.

16 Q. At any time during the two seasons that Eric  
17 Romig coached her as her basketball coach, did he  
18 ever ask her to come in to the school on a weekend to  
19 get one-on-one coaching with her?

20 A. No.

21 Q. Did you ever hear from any of the other  
22 parents of her teammates, of Emily's teammates, that  
23 Eric Romig asked her to come in -- I'm sorry -- that  
24 Eric Romig asked any of the players to come in and  
25 get one-on-one coaching with him on a weekend?

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1 A. No.

2 Q. Just one last thing. Going back to Annette  
3 Smith Exhibit 2, the e-mail from you to Ryan Clymer  
4 of December 31st, 2009, including Emily's typed  
5 statements of her recollection of the inappropriate  
6 texts that were sent to her by Mr. Romig. The second  
7 entry is December 5th, DeSales game. He texted me  
8 and said, quote, I want to be in you, unquote.

9 Did you ask her about that entry on her  
10 statement when she gave you it?

11 A. I don't recall.

12 Q. You were asked, I believe, a question of,  
13 was this document edited in any way by you or your  
14 husband?

15 A. No.

16 Q. This was Emily's own list made from her own  
17 words and typed up by Emily herself?

18 A. Correct.

19 MR. GROTH: I have no other  
20 questions. Thank you.

21 MR. KEMETHER: Going to have a  
22 slight go round and hopefully it will be much, much  
23 shorter.

24 \* \* \*

25 EXAMINATION

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1 BY MR. KEMETHER:

2 Q. Mrs. Smith, on December 21st, 2009, that was  
3 the day of Emily's only conversation with Ryan Clymer  
4 about this testing issue, correct? \_\_\_\_\_

5 A. That's correct.

6 Q. You were not present for that meeting?

7 A. No.

8 Q. So would it be fair to say that you don't  
9 know what your daughter told Mr. Clymer that day?

10 A. I know what Emily told me.

11 Q. You don't know what she told him?

12 A. No.

13 Q. And you don't know what Ryan Clymer said to  
14 her or asked of her during that meeting, do you?

15 A. No. Just what Emily said to me about it.

16 Q. The contents of what -- the contents of the  
17 text messages, however many thousands of them there  
18 were between your daughter and Coach Romig back and  
19 forth, you don't know the content of any of them,  
20 aside from what your daughter put into her one page  
21 statement that's attached as the second page of  
22 Annette Smith 2, correct?

23 A. Correct.

24 Q. And she created that document on December  
25 21st, 2009, at your husband's request?

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1 A. Correct.

2 Q. You provided this document to Ryan Clymer on  
3 December 31st, 2009, ten days later, correct?

4 A. Correct.

5 Q. To your knowledge, Ryan Clymer didn't have  
6 knowledge of anything inside of this list that --  
7 your daughter's list, until you gave it to him on  
8 December 31st, 2009, correct?

9 MR. GROTH: Object to the form.

10 You can answer.

11 A. That's correct.

12 Q. To your knowledge, whatever's in this list  
13 that your daughter created is everything that you're  
14 aware of that she believes that Eric Romig did  
15 inappropriately with her in terms of either texts or  
16 talking or touching, anything like that?

17 A. I think there's a lot more to it.

18 Q. As far as you know, is there any more detail  
19 besides what's in this document?

20 A. That's all I know.

21 Q. You've asked your daughter and she hasn't  
22 told you anything more than that, correct?

23 A. Yeah, we haven't -- no discussions.

24 Q. In fact, the only thing in addition to this  
25 that you've ever learned of -- if I understand

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1 correctly -- is when you were in the meeting with the  
2 detectives in 2013 and she indicated that he had  
3 groped her buttocks, correct?

4 A. Correct.

5 Q. That's the only additional thing?

6 A. Correct.

7 Q. After December 31st or December 31st, 2009,  
8 did you, your husband or your daughter ever go back  
9 to either Ryan Clymer or anyone else at Faith  
10 Christian and say, we have more information as to  
11 what Eric Romig did to our daughter?

12 A. No.

13 Q. And you were asked something about -- you  
14 said something during Mr. Groth's questioning about a  
15 face-to-face meeting that you had requested of Mr.  
16 Clymer.

17 Did you ever go back to him after your  
18 phone conversation, which was somewhere around New  
19 Year's of 2009, where he told you that Emily's back  
20 on the team and the coach is not going to coach any  
21 more, did you ever go to him and say, I still want to  
22 have that face-to-face meeting?

23 A. No.

24 Q. Do you know if your husband did?

25 A. Not that I'm aware of.

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